

**Subject:** Re: Proposed DOT/PF STIP Regulation Changes

**From:** Eric Taylor <eric\_taylor@dot.state.ak.us>

**Date:** Fri, 27 Feb 2004 09:10:19 -0900

**To:** Teresa Germain <tgermain@ccthita.org>

**CC:** stip@dot.state.ak.us, Jon Dunham <jon\_dunham@dot.state.ak.us>, Jerry Woods <jwoods@tananachiefs.org>, John Navarro <jnavarro@qwest.net>

Dear Ms. Germain---

Thank you for your comments and ideas. As I read your email, I see two basic concerns:

1. Desire for tribal government notification
2. Desire for rural/tribal representation in STIP decisions

Your communication of the latter concern reveals some possible misperceptions concerning the Statewide Transportation Improvement Program (STIP) process and the role of the project evaluation board (PEB). We recognize it is complex. We would be happy to spend time with you to help make it a bit easier to understand. If you have a copy of the November 2003 STIP, I recommend reading in the opening section: Page 1 "Purpose of the STIP"; and pages 7 thru 13 "Details of the 2004-06 STIP." I have attached the pages to this email as well. Please read over them, then give me a call at 465-8958 and I will try my best to answer any questions you have concerning the process.

Per 17 AAC 05.175, the project evaluation board (PEB) is made up of senior department personnel appointed by the commissioner. Individual PEB member scoring of projects is constrained by project evaluation criteria, and the scores are averaged.

Concerning the local consultation policy and tribal notification ---

First, we have such a policy in place. It is [DOT&PF Policy and Procedure 01.03.010 on government-to-government relations with federally-recognized tribes in Alaska](#). It covers a wide range of DOT&PF actions, not simply planning. In short, it requires us to notify tribes and consult with them on significant matters of mutual concern.

Second, the local consultation process responded to a very specific federal rule designed to address only our relations with local general purpose government officials with reference to the Statewide Transportation Plan and the STIP. It would have been inappropriate to insert state to tribal consultation within this context, as it would have been for us to insert local government consultation in the tribal consultation policy.

Both requirements are in effect, and neither overrules the other. We are adjusting the text of the local consultation process to better allay fears of exclusivity, and are preparing a matrix along with it to help inform our public as well as our staff. You should receive this in the mail sometime next month.

Thanks again for your thoughts. I hope you find this response helpful. If I can be of further assistance, please contact me 465-8958 or by email.

Sincerely,  
Eric Taylor  
Division of Program Development

Teresa Germain wrote:

I realize the time period for comments has passed for the proposed regulations on the STIP but as the Job Developer/Tribal Employment Rights Officer, I thought it would be to the best interest of Central Council Tlingit and Haida Indian Tribes of Alaska, which represents Southeast Alaska communities, to submit my comments anyway.

Don't you think it would be prudent for the State of Alaska to include notification to tribal governments in their consultation process? Especially since the State of Alaska's Statewide Transportation Improvement Program (STIP) and the Statewide Transportation Plan boards and/or committees do not have Native representation on them and without Native representation all of rural Alaska is not represented. My fear is that if the regulations do not require DOT/PF to seek out tribal consultation it will allow the State of Alaska to eliminate them from the consultation process as they have done in the past or make it easy for them to forget about the tribal governments and/or villages.

The current make-up of the STIP board consists primarily of representatives from the Anchorage and Fairbanks areas. The last time I looked at the list of STIP representatives, S.E. Alaska only had one representative and I believe S.W. Alaska had maybe one representative on the board. But, the areas surrounding Anchorage held several of the member seats. This has always been a concern of mine because rural Alaska is being forgotten in the development of the state's transportation plan.

It is my understanding that the STIPs represent one of the three transportation planning groups who coordinate the why, when and where Alaska's Transportation Projects dollars are spent. The first group in this process (MPO) works the Long Term aspects of putting together the plans and funds for Alaska's 10 Year transportation Plan. And, on or about the seventh year, the STIP receives the 10 Year Transportation Plan and the responsibility to move the plan over the next two years to implementation. The members of the STIP have the responsibility to determine how, when and where approved transportation projects and their supporting funds (including IRR Funds) will be applied as well as the supporting revisions to the 10 Year Transportation Plan.

Decisions by the STIP have direct and indirect impacts on our communities; Environment; Jobs; Training Needs; Contracting/Subcontracting; and even how earmarked federal funds will or will not be spent. Just think about what the DOT/PF STIP could do with information obtained from tribal consultation on future demands or having the tribes be a part of the process that could head-off adverse impacts on our communities. I think that it would be a good idea to have tribes get involved as consultants.

Title VI of the Civil Rights Act of 1964 and USDOT's Environmental Justice provides for tribal consultation for deeper involvement. But it is our duty as a tribal government to call for that deeper involvement; to call for our rights to be heard; to call for our right to oversee how special Tribal Funds and matching funds are applied; to call for the right to be involved with how, when and where those Funds will and/or will not be spent; to call for special supporting training funds to prepare for future employment opportunities; to call for the protection of our cultural respected; and even.....even the right to vote on the future of our communities; the right to vote on our future supportive services which will affect accessibility of things such as community wide health services; security; and economic development.

I think that it would be good for DOT/PF STIP to consider a place at their table for tribal representation to act as a Consultant but it would be even better to have a regular seat on the board and the right to vote on matters that directly impact the future well being of our communities.

Teresa Germain  
Job Developer/TERO

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He who forgets the humming of the bees among the heather, the cooing of the wood-pigeons in the forest, the song of birds in the woods, the rippling of rills among the rushes, and the sighing of the wind among the pines, need not wonder if his heart forgets to sing and his soul grows heavy.

-Charles Haddon Spurgeon

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